

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-----------------------|--|-----------------|---------|
| In re Application of: | Eric A. Schon et al. | Group Art Unit: | 1646 |
| Serial No.: | 10/655,999 | Examiner: | Unknown |
| Filed: | September 5, 2003 | Docket No. | 5199-23 |
| For: | METHODS FOR XENOTOPIC EXPRESSION OF NUCLEUS- ENCODED PLANT AND PROTIST PEPTIDES AND USES THEREOF | | |

October 25, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION AND REQUEST FOR
A FIVE (5) MONTH EXTENSION OF TIME**

Applicants are in receipt of the Notice to File Missing Parts of Nonprovisional Application dated January 5, 2004 (copy enclosed), and hereby request a five (5) month extension of time for filing a response. A Petition for Revival of a Nonprovisional Application for Patent Abandoned Unintentionally is being filed concurrently at the following address: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of the Petition for Revival is attached hereto.

In response to the notification that the oath or declaration is missing, applicants enclose Declaration and Power of Attorney documents executed by the inventors Eric A. Schon and Joseline Ojaimi.

The Commissioner is hereby authorized to charge \$1,105.00 (including \$65.00 for the late declaration surcharge and \$1,040.00 for the 5 month extension of time) to

10/28/2004 RHEBRAHT 00000060 024270 10655999
02 FC:2255 1040.00 DA

applicant's Deposit Account No. 02-4270. Authorization is also given to charge any additional fees that may be required or credit any overpayment to our Deposit Account 02-4270.

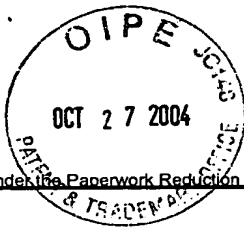
In view of the foregoing, it is submitted that the application is complete.

Respectfully submitted,

By: 

Todd A. Holmbo, Attorney for Applicants
Reg. No. 42,685

BROWN RAYSMAN MILLSTEIN
FELDER & STEINER LLP
163 Madison Avenue
P.O. Box 1989
Morristown, NJ 07962-1989
Telephone No: 973-775-8919
Facsimile No: 973-775-8901



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

10/655,999

Filing Date

September 5, 2003

First Named Inventor

Eric A. Schon et al.

Art Unit

1646

Examiner Name

Unknown

Attorney Docket Number

5199-23

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition for Revival | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Remarks 1. Copy of a Petition to Revive Unintentionally Abandoned Application. 2. Return postcard. | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|--|----------|--------|
| Firm Name | Brown Raysman Millstein Felder & Steiner LLP | | |
| Signature | | | |
| Printed name | Todd A. Holmbo | | |
| Date | October 25, 2004 | Reg. No. | 42,665 |

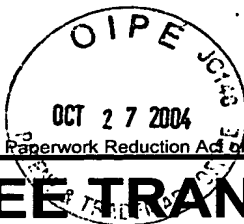
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
|-----------------------|---------------|------|------------------|
| Signature | | | |
| Typed or printed name | Diane Filatov | Date | October 25, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL

for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,105

Complete if Known

| | |
|----------------------|----------------------|
| Application Number | 10/655,999 |
| Filing Date | September 5, 2003 |
| First Named Inventor | Eric A. Schon et al. |
| Examiner Name | Unknown |
| Art Unit | 1646 |
| Attorney Docket No. | 5199-23 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

02-4270

Brown Raysman Millstein

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 790 | 2001 395 | Utility filing fee | |
| 1002 350 | 2002 175 | Design filing fee | |
| 1003 550 | 2003 275 | Plant filing fee | |
| 1004 790 | 2004 395 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** = | X | |
| Multiple Dependent | -3** = | X | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 88 | 2201 44 | Independent claims in excess of 3 |
| 1203 300 | 2203 150 | Multiple dependent claim, if not paid |
| 1204 88 | 2204 44 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|-------------|----------|-------------|----------|--|----------|
| 1051 130 | | 2051 65 | | Surcharge - late filing fee or oath | 65 |
| 1052 50 | | 2052 25 | | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | | 1053 130 | | Non-English specification | |
| 1812 2,520 | | 1812 2,520 | | For filing a request for <i>ex parte</i> reexamination | |
| 1804 920* | | 1804 920* | | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | | 1805 1,840* | | Requesting publication of SIR after Examiner action | |
| 1251 110 | | 2251 55 | | Extension for reply within first month | |
| 1252 430 | | 2252 215 | | Extension for reply within second month | |
| 1253 980 | | 2253 490 | | Extension for reply within third month | |
| 1254 1,530 | | 2254 765 | | Extension for reply within fourth month | |
| 1255 2,080 | | 2255 1,040 | | Extension for reply within fifth month | 1,040 |
| 1401 340 | | 2401 170 | | Notice of Appeal | |
| 1402 340 | | 2402 170 | | Filing a brief in support of an appeal | |
| 1403 300 | | 2403 150 | | Request for oral hearing | |
| 1451 1,510 | | 1451 1,510 | | Petition to institute a public use proceeding | |
| 1452 110 | | 2452 55 | | Petition to revive - unavoidable | |
| 1453 1,370 | | 2453 685 | | Petition to revive - unintentional | |
| 1501 1,370 | | 2501 685 | | Utility issue fee (or reissue) | |
| 1502 490 | | 2502 245 | | Design issue fee | |
| 1503 660 | | 2503 330 | | Plant issue fee | |
| 1460 130 | | 1460 130 | | Petitions to the Commissioner | |
| 1807 50 | | 1807 50 | | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | | 1806 180 | | Submission of Information Disclosure Stmt | |
| 8021 40 | | 8021 40 | | Recording each patent assignment per property (times number of properties) | |
| 1809 790 | | 2809 395 | | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 790 | | 2810 395 | | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 790 | | 2801 395 | | Request for Continued Examination (RCE) | |
| 1802 900 | | 1802 900 | | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,105

SUBMITTED BY

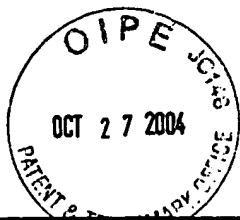
(Complete (if applicable))

| | | | | | |
|-------------------|----------------|-----------------------------------|------------------|-----------|--------------|
| Name (Print/Type) | Todd A. Holmbo | Registration No. (Attorney/Agent) | 42,665 | Telephone | 973.775.8919 |
| Signature | | Date | October 25, 2004 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/655,999 | 09/05/2003 | Eric A. Schon | 5199-23 |

Leslie Gladstone Restaino
163 Madison Avenue
P.O. Box 1989
Morristown, NJ 07962-1989

CONFIRMATION NO. 8821

FORMALITIES LETTER



OC000000011608366

Date Mailed: 01/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

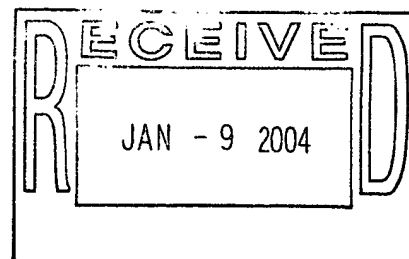
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450



*A copy of this notice **MUST** be returned with the reply.*

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B2

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE